

UNITED STATES DISTRICT COURT 8th District Court of North Dakota District

**Jonathan Loggins, Plaintiff, v.
Burleigh County (unknown officers), Defendant.**

COMPLAINT FOR VIOLATIONS OF CIVIL RIGHTS

JURY TRIAL DEMANDED

Amended complaint

I. PRELIMINARY STATEMENT

1. This is a civil action for damages, declaratory, and injunctive relief for the willful, wanton, and egregious violations of the constitutional rights of Jonathan Loggins("Plaintiff"), guaranteed under the Fifth and Fourteenth Amendments to the United States Constitution and protected by 42 U.S.C. § 1983. Plaintiff was subjected to inhumane conditions of confinement, punitive segregation without due process, and denied the basic human right of communication, all while being held in a booking cell for an extended period without formal booking procedures or access to the outside world by employees of Burleigh County Detention Center.

II. JURISDICTION AND VENUE

2. Jurisdiction is conferred upon this Court by 28 U.S.C. §§ 1331 and 1343(a)(3). The actions, omissions, and wrongs complained of herein occurred within this judicial district.
3. Venue is proper under 28 U.S.C. § 1391(b) because a substantial part of the events or omissions giving rise to the claim occurred in this district.

III. PARTIES

4. Plaintiff, Jonathan Loggins, is a citizen of North Dakota, residing at 1140 S 12th St and was at all relevant times a pre-trial detainee at Burleigh County Detention Center, which is located within this district.
5. Defendant, Burleigh County Detention Center, is a detention facility operated by Burleigh County and is responsible for the unconstitutional policies, practices, and customs that caused the violations of Plaintiff's rights as detailed herein.

IV. FACTUAL ALLEGATIONS

6. On or about 10/25/2023- 11/1/2023 (will be determined thru discovery and complaint will be amended to state the correct dates and times and officers involved in the incident), Plaintiff was taken into custody by the Bismarck Police Department and transported to Burleigh County Jail for processing.
7. Upon arrival, Plaintiff was placed in a booking cell, where he remained for four consecutive days, from (will be determined) without being formally booked into the jail's general population or provided with a reason for his prolonged detention.
8. Throughout his confinement in the booking cell, Plaintiff was denied the opportunity to make a single phone call, effectively isolating him from his family, legal counsel, and any form of external assistance.
9. Plaintiff was to be classified as a minimum custody inmate, with no history of violence or disciplinary infractions that would necessitate such restrictive and isolating confinement.
10. The conditions of Plaintiff's confinement were tantamount to solitary confinement, a punitive measure reserved for serious infractions and not applicable to Plaintiff's status.
11. The actions and policies of Burleigh County, through its agents, employees, and representatives, were executed without any semblance of due process, in direct contravention of the procedural protections guaranteed by the Fifth and Fourteenth Amendments.
12. The punitive and unjustified treatment of Plaintiff as detailed herein constitutes a policy, pattern, or practice of Burleigh County that is widespread and well-established within the facility.

V. CLAIMS FOR RELIEF

First Cause of Action: Violation of the Fourteenth Amendment (Due Process Clause)

13. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
14. The Defendant, by and through its policies, practices, and acts, under color of state law, subjected Plaintiff to punitive segregation without due process of law, in violation of the Fourteenth Amendment to the United States Constitution.

Second Cause of Action: Violation of the Fifth Amendment (Prohibition Against Punishment without Due Process)

15. Plaintiff re-alleges and incorporates by reference the foregoing paragraphs as if fully set forth herein.
16. The Defendant, by and through its policies, practices, and acts, under color of state law, subjected Plaintiff to punishment without due process of law, in violation of the Fifth Amendment to the United States Constitution.

VI. PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment against Defendant in their individual capacities as follows:

- a. For a declaratory judgment that the policies, practices, and acts complained of herein are unconstitutional under the Fifth and Fourteenth Amendments.
- b. For compensatory damages in an amount to be proven at trial.
- c. For punitive damages in an amount sufficient to deter Defendant and others from engaging in similar conduct.
- d. For injunctive relief ordering Defendant to cease its unconstitutional practices and to implement policies that provide for due process.
- e. For the costs of this suit, including reasonable attorney's fees as provided by 42 U.S.C. § 1988; and
- f. For such other and further relief as this Court deems just and proper.

VII. JURY DEMAND

Plaintiff hereby demands a trial by jury on all issues so triable.

Respectfully submitted,

5/8/2024

Jonathan David Loggins